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In the Supreme Court of the United States.

OCTOBER TERM, 1903.

THE UNITED STATES EX REL. JOHN TURNER, appellant,
v.
WILLIAM WILLIAMS, COMMISSIONER, ETC., appellee.
} No. 561.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

BRIEF FOR APPELLEE.

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STATEMENT.

On October 26, 1903, the relator filed in the United States circuit court for the southern district of New York a petition praying for a writ of *habeas corpus* to the commissioner of immigration of the port of New York, and also for a writ of *certiorari* to bring up the record of the board of inquiry which adjudged him to be an anarchist and in the United States contrary to the immigration laws. The petition in substance alleges (R., 1):

> That relator was arrested October 23, 1903, in New York City, by persons claiming to act under authority of the United States, conveyed

to the immigration station at Ellis Island, and there imprisoned by the commissioner.

That relator is imprisoned by virtue of a warrant sworn out by the Secretary of Commerce and Labor, which charges him with being an anarchist and unlawfully within the United States. A board of special inquiry, consisting of executive officers, inquired into his case and determined him to be an anarchist in the United States in violation of the immigration laws. Relator denies being an anarchist within the meaning of the law, and says, about six years ago he took out his first papers of application for citizenship. "That he has at no time been engaged as a propogandist of doctrines inciting to or advising violent overthrow of government, but for about six years last past he has been a paid organizer of the retail clerks of Great Britain, and his business in this country is solely to promote the interests of organized labor, and that he has at all times conducted himself as a peaceful and law-abiding citizen."

That, by reason of the above facts, relator says his imprisonment is illegal, "in that he is being deprived of his liberty without due process of law, and is being denied equal protection of the laws, contrary to the Constitution and laws of the United States."

Appellee Williams made return under oath showing the reason for relator's detention, and certifying the record of the board of inquiry. From this return it appears (R., 3):

That appellee is the United States commissioner of immigration at the port of New York.

Relator is an alien, being a subject of Great Britain and Ireland, who came to the United States from England about ten days prior to October 24, 1903.

That relator was arrested in New York City, October 23, 1903, under a warrant issued by the Secretary of Commerce and Labor, was taken to Ellis Island immigrant station, examined by a duly constituted board of special inquiry touching his right to remain in the United States, and was by said board found to be an alien anarchist and ordered to be deported to the country from whence he came, as a person within the United States in violation of law. On October 26, 1903, relator appealed from the decision of the board of inquiry to the Secretary of Commerce and Labor, who, having examined the cause, dismissed the appeal and directed deportation, saying:

"The evidence shows that the appellant declined to give exact information as to the manner in which he secured admission to this country, although he swears that he arrived here about ten days ago. He admits that he is an anarchist and an advocate of anarchistic principles, which brings him within the class defined by section 38 of the act approved March 3, 1903. In view of these facts the appeal is dismissed, and you are directed to deport the said John Turner in conformity with warrant now in your hands for execution." (R., 5.)

That copies of the warrant for arrest and deportation and of the minutes of the hearing before the board, with the order and decision of

> the Secretary of Commerce and Labor, are annexed, and relator is in custody at Ellis Island pending deportation to the country whence he came.

The original warrant issued by the Secretary October 19, 1903, to immigration inspectors, recites that from proofs submitted he is satisfied John Turner, an alien anarchist, came to this country contrary to the prohibition of the act of Congress approved March 3, 1903, and commands them to take him into custody and return him to the country from whence he came. (R., 4.)

The minutes of the board of special inquiry convened at Ellis Island, October 24, 1903, show that relator was brought before it, abundant evidence introduced to prove him an anarchist, that he was given a chance to be heard, and in effect admitted he was a member of such class. Thereupon he was adjudged to be within the United States contrary to law and ordered to be deported. (R., 5–9.)

It does not appear that the relator asked to be represented by counsel or to have any witnesses introduced in his behalf, or claimed there was anything further which he either could or wished to show. He evidently came into the country without the knowledge of the immigration officers—perhaps clandestinely and secretly. At all events he refused to tell how or when he succeeded in entering.

The record makes it quite plain that he is a man of intelligence, who was advised of his rights, and that

no advantage was taken of him. It is not denied that he is an anarchist and an alien who knew he came in contrary to the statute.

A demurrer was interposed to the return, and, after hearing argument, the court held the decision of the board finding Turner to be an anarchist within the United States contrary to law was not open to review; and, further, that the immigration act of March 3, 1903, did not violate the Constitution. The opinion filed by the circuit judge states (R., 13):

> The contention of the relator is that the exclusion act is unconstitutional. That objection has been raised in very many cases, and in all of them has been overruled; indeed, counsel concedes for the purpose of this argument, that as to all kinds of persons enumerated in the act, except anarchists, it is within the constitutional power of Congress to exclude them. * * * (Rec., 14.) His contention is that Congress is prohibited from excluding anarchists by the provisions of article 1 of the amendment to the Constitution, which reads: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

An appeal directly to this court was prayed and perfected, I presume upon the theory that the case is

included in one of the following clauses of section 5, judiciary act of 1891, giving such direct appeal—

> In any case that involves the construction or application of the Constitution of the United States.
>
> In any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority, is drawn in question.

THE APPEAL SHOULD BE DISMISSED FOR WANT OF JURISDICTION.

The constitutional question suggested in the original petition for the writ rests upon the allegation that relator's "imprisonment is illegal, in that he is being deprived of his liberty without due process of law, and is being denied equal protection of the law, contrary to the Constitution and laws of the United States."

This petition did not make out a *prima facie* case and the application for the writ should have been denied.

In the *Japanese Immigrant Case* (189 U. S., 86, 97), which arose out of a proceeding much harsher than the one now under consideration, Mr. Justice Harlan, speaking of the laws providing for the deportation of aliens, said (p. 97):

> The constitutionality of the legislation in question, in its general aspects, is no longer open to discussion in this court. That Congress may exclude aliens of a particular race from the United States, prescribe the terms and conditions upon which certain classes of aliens may

> come to this country, establish regulations for sending out of the country such aliens as come here in violation of law, and commit the enforcement of such provisions, conditions, and regulations exclusively to executive officers without judicial intervention, are principles firmly established by the decisions of this court.

Where the constitutional question raised or suggested is one which has been settled by repeated adjudications of this court and is no longer open to discussion, the case can not be said to involve the construction or application of the Constitution of the United States, or to be one in which the constitutionality of any law of the United States is drawn in question, within the meaning of the judiciary act of 1891. All possible suggestions relating to the Constitution can not be considered as forever open for discussion before this court.

In *Western Union Telegraph Company* v. *Ann Arbor Railroad Company* (178 U. S., 239, 243), Mr. Chief Justice Fuller, delivering the opinion of the court, said:

> When a suit does not really and substantially involve a dispute or controversy as to the effect or construction of the Constitution or laws of the United States, upon the determination of which the result depends, it is not a suit arising under the Constitution or laws And it must appear on the record, by a statement in legal or logical form, such as is required in good pleading, that the suit is one which does really and substantially involve a dispute or controversy

> as to a right which depends on the construction of the Constitution or some law or treaty of the United States, before jurisdiction can be maintained on this ground.

In *Lampasas* v. *Bell* (180 U. S., 276, 282, 284), Mr. Justice McKenna, delivering the opinion of the court, said:

> This court has only jurisdiction by appeal or writ of error directly from the circuit court in certain cases, one of which is "when the constitution or law of a State is claimed to be in contravention of the Constitution of the United States." * * * But the claim must be real and substantial. A mere claim in words is not enough. (P. 284.) We repeat, the questions which can be raised under any of the subdivisions of section 5 of the act (1891) must be real, the controversies which they present must be substantial, not only from the nature of the principles invoked, but from the relation of the party to them by whom they are invoked.

In *Penn Mutual Life Insurance Company* v. *Austin* (168 U. S., 685, 695), it was held that in order to give this court jurisdiction in a case where it is claimed that the law of a State is in contravention of the Constitution of the United States, "the claim must be real and colorable, not fictitious and fraudulent."

See also *American Sugar Refining Company* v. *New Orleans* (181 U. S., 277, 281).

THE JUDGMENT OF THE CIRCUIT COURT DISMISSING THE WRIT OF HABEAS CORPUS IS CORRECT.

An act of Congress approved August 18, 1894, provides:

> In every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or customs officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of the Treasury.

This court has no right to review the findings and action of the executive officers when an alien has been excluded or ordered to be deported. (*Lem Moon Sing* v. *United States*, 158 U. S., 538; *Japanese Immigrant case*, 189 U. S., 86.)

The return to the writ was demurred to and therefore is to be taken as unquestioned. No inquiry into any facts outside its statements is permissible. (*Carter* v. *McClaughry*, 183 U. S., 381.)

Appellant asks reversal of the judgment of the court below because of the unconstitutionality of the act of Congress to regulate immigration, approved March 3, 1903 (32 Stat., 1213, c. 1012), in so far as it provides for exclusion and deportation from the United States of anarchists and persons who disbelieve in or oppose all organized government.

The immigration act of 1903, among other things, provides:

> (Sec. 2.) That alien anarchists shall be excluded from admission into the United States.
>
> (Sec. 38.) That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe.

It also provides (sec. 21) that in case the Secretary of the Treasury (this duty was transferred to the Secretary of Commerce and Labor July 1, 1903, by the act establishing that Department) shall be satisfied that an alien has been found in the United States in violation of this act he shall cause such alien, within the period of three years after landing or entry therein, to be taken in custody and returned to the country whence he came.

The Commissioner of Immigration (sec. 22), under direction of the Secretary of Commerce and Labor, is

charged with administration of all laws relating to immigration of aliens into the United States.

The act of 1903 is more definite in its terms, broader in its scope, and specifies a larger number of prohibited aliens, but its general purposes and the methods provided for its enforcement do not in substance differ from those provided by law as it existed under the act of 1891.

Counsel for appellant maintain that the immigration act of 1903 is unconstitutional, because—

> First. To exclude alien anarchists is in contravention of the first amendment to the Constitution, which declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."
>
> Second. Because judicial power is transferred to the executive branch of the Federal Government contrary to section 1, article 3, of the Constitution, which declares that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."
>
> Third. Because it violates the constitutional provisions which declare that no person shall be deprived of liberty without due process of law; and "that in all criminal prosecutions the accused shall enjoy the right to a public trial by

an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, to have the assistance of counsel for his defense;" and that "no warrants shall issue but upon probable cause, supported by oath or affirmation;" and that no one in any criminal case shall be compelled to be a witness against himself.

Fourth. No power is delegated by the Constitution to the General Government over alien friends with reference to their admission into the United States, or over their beliefs, the freedom of speech or of the press.

In view of the repeated holdings of this court sustaining laws providing for the expulsion of aliens and intrusting the enforcement of the same to executive officers, the supposed constitutional objections raised by counsel for appellant to the immigration law in question seem wholly without merit; and they are, for the most part, simply repetitions of contentions long since passed upon and repeatedly denied.

The power of Congress to exclude aliens altogether or to prescribe the terms and conditions upon which they may come to this country and to have its declared policy in that regard enforced exclusively through executive officers, without judicial intervention, is no longer open to discussion, but is settled beyond question by the decisions of this court. (*Lem Moon Sing* v. *United States.*) And as Congress may exclude all aliens, manifestly it may exclude any

designated class of them, whether almond-eyed people who come to work, or more noisy but even less desirable individuals who come to foment mischief.

The right to exclude or to expel all aliens, or any class of aliens, absolutely or upon certain conditions, in war or in peace, is an inherent and inalienable right of every sovereign independent nation, essential to its safety, its independence, and its welfare. (*Fong Yue Ting* v. *United States*, 149 U. S., 711.) "The power to exclude aliens and the power to expel them rest upon one foundation, are derived from one source, are supported by the same reasons, and are in truth but parts of one and the same power." (Id., 713.)

The Chinese Exclusion Case (130 U. S., 581) (1889). This case involved the constitutionality of the act approved October 1, 1888, taking away the right of return thereto from Chinese laborers who had resided for many years in the United States and had left with certificates by the terms of which they were given such right. It was argued by eminent counsel and given much consideration. In the course of an exhaustive opinion sustaining the law, Mr. Justice Field said (p. 603):

> Those (Chinese) laborers are not citizens of the United States; they are aliens. That the Government of the United States, through the action of the legislative department, can exclude aliens from its territory is a proposition which we do not think open to controversy. Jurisdiction over its own territory to that extent is an incident of every independent nation. It is

a part of its independence. If it could not exclude aliens it would be to that extent subject to the control of another power.

(P. 606:) The power of the Government to exclude foreigners from the country whenever, in its judgment, the public interests require such exclusion, has been asserted in repeated instances, and never denied by the executive or legislative departments.

Nishimura Ekiu v. *The United States* (1892) (142 U. S., 651).

This case involved the constitutionality of the act of 1891, forbidding certain classes of alien immigrants to land in the United States, and arose out of *habeas corpus* proceedings instituted by a Japanese woman, found by an executive officer to be an alien of a prohibited class. Mr. Justice Gray delivered the opinion of the court sustaining the law and said (p. 659):

It is an accepted maxim of international law that every sovereign nation has the power, as inherent in sovereignty and essential to self-preservation, to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe. (Vattel, lib. 2, secs. 94, 100; 1 Phillimore (3d ed.) c. 10, sec. 220.) In the United States this power is vested in the National Government, to which the Constitution has committed the entire control of international relations in peace as well as in war. It belongs to the political department of the Government and may be exercised either through treaties made by the President and Senate or through stat-

> utes enacted by Congress, upon whom the Constitution has conferred power to regulate commerce with foreign nations, including the entrance of ships, the importation of goods, and the bringing of persons into the ports of the United States.
>
> (P. 660.) It is not within the province of the judiciary to order that foreigners who have never been naturalized, nor acquired any domicile or residence within the United States, nor even been admitted into the country pursuant to law, shall be permitted to enter, in opposition to the constitutional and lawful measures of the legislative and executive branches of the National Government. As to such persons, the decisions of executive or administrative officers, acting within powers expressly conferred by Congress, are due process of law.

Fong Yue Ting v. *United States* (1893) (149 U. S., 698).

This case arose out of *habeas corpus* proceedings instituted by certain Chinese laborers who had long resided within the United States and who were arrested and ordered deported because they had not secured certificates as provided by the act of 1892. The law was attacked as being unconstitutional. Mr. Justice Gray delivered the opinion of the court sustaining the law and said (p. 711):

> The right to exclude or to expel all aliens, or any class of aliens, absolutely or upon certain conditions, in war or in peace, being an inherent and inalienable right of every sovereign and independent nation, essential to its safety, its

independence, and its welfare, the question now before the court is whether the manner in which Congress has exercised this right in sections 6 and 7 of the act of 1892 is consistent with the Constitution.

(P. 713.) The power to exclude aliens and the power to expel them rest upon one foundation, are derived from one source, are supported by the same reasons, and are, in truth, but parts of one and the same power.

The power of Congress, therefore, to expel, like the power to exclude aliens, or any specified class of aliens, from the country, may be exercised entirely through executive officers, or Congress may call in the aid of the judiciary to ascertain any contested facts on which an alien's right to be in the country has been made by Congress to depend.

Congress, having the right, as it may see fit, to expel aliens of a particular class, or to permit them to remain, has undoubtedly the right to provide a system of registration and identification of the members of that class within the country, and to take all proper means to carry out the system which it provides.

(P. 730.) The proceeding before a United States judge, as provided for in section 6 of the act of 1892, is in no proper sense a trial and sentence for a crime or offense. It is simply the ascertainment, by appropriate and lawful means, of the fact whether the conditions exist upon which Congress has enacted that an alien of this class may remain within the country. The order of deportation is not a punishment for crime. It is not a banishment, in the sense

> in which that word is often applied to the expulsion of a citizen from his country by way of punishment. It is but a method of enforcing the return to his own country of an alien who has not complied with the conditions upon the performance of which the government of the nation, acting within its constitutional authority and through the proper departments, has determined that his continuing to reside here shall depend. He has not, therefore, been deprived of life, liberty, or property without due process of law; and the provisions of the Constitution, securing the right of trial by jury, and prohibiting unreasonable searches and seizures, and cruel and unusual punishments, have no application.

Lem Moon Sing v. *United States* (1895) (158 U. S., 538).

This was a habeas corpus proceeding by a Chinese merchant who, after having acquired a permanent domicile in the United States, went for a temporary visit to China and upon his return was denied admission by the inspection officer. The constitutionality of the act and the right of Congress to entrust its execution to executive officers were sustained. The opinion of the court was delivered by Mr. Justice Harlan, who reviewed its former holding on the questions involved and said (p. 547):

> The power of Congress to exclude aliens altogether from the United States, or to prescribe the terms and conditions upon which they may come to this country, and to have its declared

policy in that regard enforced exclusively through executive officers, without judicial intervention, is settled by our previous adjudications.

Wong Wing v. *United States* (1896) (163 U. S., 228). Justice Shiras, who delivered the opinion of the court, said (p. 234):

> The Chinese-exclusion acts operate upon two classes—one consisting of those who came into the country with its consent, the other of those who have come into the United States without their consent and in disregard of the law. Our previous decisions have settled that it is within the constitutional power of Congress to deport both of these classes, and to commit the enforcement of the law to executive officers.
>
> (P. 237) We regard it as settled by our previous decisions that the United States can, as a matter of public policy, by Congressional enactment, forbid aliens or classes of aliens from coming within their borders, and expel aliens or classes of aliens from their territory, and can, in order to make effectual such decree of exclusion or expulsion, devolve the power and duty of identifying and arresting the persons included in such decree, and causing their deportation, upon executive or subordinate officials. * * *
>
> No limits can be put by the courts upon the power of Congress to protect, by summary methods, the country from the advent of aliens whose race or habits render them undesirable as citizens, or to expel such if they have already found their way into our land and unlawfully remain therein.

Fok Yung Yo v. *United States* (1902) (185 U. S., 296).

Chief Justice Fuller delivered the opinion of the court, and said (p. 302):

> The doctrine is firmly established that the power to exclude or expel aliens is vested in the political departments of the Government, to be regulated by treaty or by act of Congress, and to be executed by the executive authority according to such regulations, except so far as the judicial department is authorized by treaty or by statute, or is required by the Constitution to intervene.

See also *Chin Bak Kan* v. *United States* (1902) (186 U. S., 193).

In the *Japanese Immigrant case* (1903) (189 U. S., 86), the constitutionality of the immigration act of 1891, excluding certain aliens and providing for their deportation if found by executive officers to be unlawfully in this country, was assailed. The opinion of the court was delivered by Mr. Justice Harlan, who reviewed the sundry acts of Congress forbidding the entry of aliens, and said (p. 97):

> The constitutionality of the legislation in question, in its general aspects, is no longer open to discussion in this court. That Congress may exclude aliens of a particular race from the United States; prescribe the terms and conditions upon which certain clasess of aliens may come to this country; establish regulations for sending out of the country such aliens as come

all kinds of aliens, including those tainted with anarchistic sentiments as well as those less objectionable; and if such action would violate no constitutional provision, surely the exclusion of *some* aliens who are anarchists is not unconstitutional

Anarchy has nothing to do with religion, as that word is used in the Constitution, and can no more claim protection under such guise than can belief in polygamy—in reference to which pretence of religious conviction this court spoke with such disapproval in the cases of *Mormon Church* v. *United States* (136 U. S., 1, 48), and *Davis* v. *Beason* (133 U. S., 333, 342).

Abridgment of the freedom of speech or of the press is no more brought about by the exclusion or expulsion of anarchists than by similar treatment of the followers of Confucius. If anarchists have the absolute right to come here in order to spread their doctrines, so have believers in the teachings of Confucius or Buddha, and so would all others who wish to talk publicly or privately. And as the right to talk is no more sacred than the right to work, all workers, under the same sort of argument, must be admitted.

Surely, the right of the people peaceably to assemble and to petition the Government for a redress of grievances is not interfered with by protecting the country from the presence of alien persons whose fundamental tenet is the overthrow of Government and denial of any power in it to redress a grievance.

"AN ACT CONCERNING ALIENS" passed by Congress, and approved June 25, 1798—a time when the

principles of liberty were certainly not entirely disregarded—was far more drastic than the act of 1903. It gave the President full authority "to order all such aliens as he should judge dangerous to the peace and safety of the United States" to depart therefrom. The constitutionality of the act was never passed upon by this court, but Justice Iredell, in a charge to the Federal grand jury at Philadelphia, April 11, 1799, asserted its validity with much vigor and learning, and declared as fundamental the rule that the right of an alien to enter and remain in any country depends upon its assent, which may be given or withdrawn at pleasure. He said in part:

> It is believed that it never was suggested in any other country that *aliens* had a right to go into a foreign country and stay at their will and pleasure without any leave from the Government. The law of nations undoubtedly is that when an alien goes into a foreign country he goes under either an express or implied safe conduct. In most countries in Europe, I believe, an express passport is necessary for strangers. Where greater liberality is observed, yet it is always understood that the government may order away an alien whose stay is deemed incompatible with the safety of the country. (Life and Correspondence of James Iredell, by McRee, vol. 2, p. 553.)

Mr. Jefferson, in the Kentucky and Virginia Resolutions, and Mr. Madison in his REPORT on the Virginia Resolutions, attacked with great earnestness the constitutionality of the "ACT CONCERNING ALIENS,"

but it seems not to have occurred to either of them that its drastic provisions conflicted with the first amendment to the Constitution. (Elliot's Debates, vol. 4, 528, 540, 546.) They had rather intimate acquaintance with that instrument and pronounced views upon the strictness with which all its provisions should be construed, and it is not unreasonable to conclude that if the alien law probably trenched upon any of its parts they would have so declared.

The committee of Congress, to which were referred the petitions attacking the constitutionality and asking repeal of the alien and sedition laws of 1798, made an elaborate report in their support February, 1799, and, among other things, said (Annals of Congress, p. 2986):

> The asylum given by a nation to foreigners is mere matter of favor, resumable at public will. On this point abundant authority might be adduced, but the common practice of nations attests the principle.
>
> The Constitution was made for citizens, not for aliens, who of consequence have no rights under it but remain in the country and enjoy the benefit of the laws, not as matter of right but merely as matter of favor and permission, which favor and permission may be withdrawn whenever the Government charged with the general welfare shall judge their further continuance dangerous.

The doctrine announced in brief for appellant (p. 50) that "the exclusive right of any people to any given

territory has no substantial basis except in despotism and ignorance," may appear beyond controversy to those who have attained to belief in the undesirability of all government, but it is directly in conflict with the principles which control this court, and which have been adhered to by the valuable citizens of this Republic since its foundation. If such doctrine ever prevails then, in the picturesque language of appellant's counsel (Br., 72), "those provisions of the Constitution which go to the very competency of Congress and to the protection of all persons might as well be undecipherable hieroglyphics buried in the sands of the remotest desert."

An awful experience forced our lawmakers to conclude that the presence of alien anarchists in the United States would be contrary to the public good, and in that opinion the vast majority of law-abiding, enlightened American citizens undoubtedly concur. This court enforces valid laws passed by Congress—into their wisdom it is not accustomed to inquire—and arguments based upon the supposed "stupidity of the law" are appropriate only in some other forum.

It certainly is to "depart into the fantastic" (Br., 48) for one to declare to this court: "Turn it whichever way one may the law of 1903 is a recrudescence of that sanguinary spirit of the past concerning whose machinations no one can read without astonishment and indignation." (Br., 40.)

To exclude from a land, governed by law, those aliens whose mission in the world is to defend the

action of the fiendish individuals who threw bombs among Chicago policemen who inspired the murder of a President, and who preach the religion of assassination, is rather a mild precaution against men who seek the destruction of what all true Americans hold essential. Prudent proprietors do not entertain in hospitable security strangers whose declared purpose is to burn down the house which protects them.

The assault by counsel (Br., 53) upon the Department of Commerce and Labor and the attempt to make it appear that in its organization there was concealed a deadly purpose to further a conspiracy against labor—exemplified by the arrest of appellant, a confessed anarchist—is another departure "into the fantastic."

The appellant is a member of a class of aliens considered by Congress as especially dangerous, and nothing in his case seems to entitle him to greater consideration or different treatment from that accorded other undesirables specified in the statute. He appears from the finding of the immigration officers to be much less desirable than many others to whom admission is denied; and the Department of Commerce and Labor was plainly acting in the interest of all the people when he was ordered to be deported. An alien with a leprous mind is certainly less entitled to generous treatment than are such unfortunates as "idiots, insane persons, and epileptics," all of whom are barred from entry.

The policy of the United States, long and well established, is to exclude aliens whose presence it believes would be peculiarly baneful. There is nothing important in the present case which is new, and no substantial ground is perceived for the alarm expressed by counsel, who declare (Br., 98), "If any one doubts that civilization and liberty are upon a treacherous foundation, he only need recur to the spectacle of the law of 1903."

I submit that, in the opinion of this court, anarchy is manifestly opposed to both civilization and liberty, and neither would be endangered by its extinction.

THE GOVERNMENT RESPECTFULLY ASKS THAT THE APPEAL BE DISMISSED, AND IF SUCH ACTION IS NOT PERMISSIBLE, THAT THE JUDGMENT OF THE CIRCUIT COURT BE IN ALL THINGS AFFIRMED.

J. C. MCREYNOLDS,
Assistant Attorney-General.

WASHINGTON, *April, 1904.*

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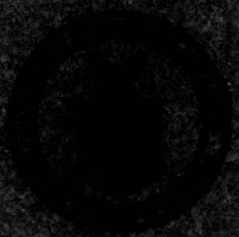
LAWS AND REGULA



DEPARTMENT OF COMMERCE AND LABOR

BUREAU OF IMMIGRATION

IMMIGRATION

LAWS AND REGULATIONS

AUGUST, 1903

WASHINGTON
GOVERNMENT PRINTING OFFICE
1904

DEPARTMENT OF COMMERCE AND LABOR

Document No. 9

BUREAU OF IMMIGRATION

IMMIGRATION REGULATIONS.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF IMMIGRATION,
Washington, D. C., August 26, 1903.

RULE 1. Collectors of customs shall collect, as provided in section 1 of the act approved March 3, 1903, a duty of $2 for each and every passenger, not a citizen of the United States, or of Canada, or of Cuba, or of Mexico, who shall come by steam or sail vessel from any foreign port to any port within the United States; but no duty shall be paid for such passengers proceeding in continuous transit through the United States to foreign territory, nor for those who have once been admitted to the United States and have paid the head tax who shall later go in transit from one part of the United States to another through foreign contiguous territory.

RULE 2. Under the authority contained in the proviso to section 1 of the act approved March 3, 1903, the duty of $2 levied upon railways or other transportation agencies for passengers brought by them overland from foreign contiguous territory shall be collected, until otherwise provided, in accordance with the terms of an agreement between the Commissioner-General of Immigration and certain transportation companies of the Dominion of Canada, of date November 1, 1901.

RULE 3. All such moneys so collected, as well as all moneys collected for rentals of exclusive privileges at United States immigrant stations, shall be deposited to the credit of the Treasurer of the United States on account of "immigrant fund," with an assistant treasurer of the United States, or national-bank depositary, in the same manner as other miscellaneous collections are reported. Separate accounts of the receipts and expenditures of money under the act shall be rendered monthly to the Secretary of the Treasury through the Department of

Commerce and Labor, on forms to be furnished by the Government for the purpose.

RULE 4. Every railway company or other transportation agency claiming exemption from payment of the head tax for any passenger brought by it to a point on the land boundary of the United States for entry thereat, under the exemption from such payment provided in section 1 of the act approved March 3, 1903, shall produce to the appropriate officer at such point a letter from an immigration officer at, or nearest to, the alleged residence of such passenger, stating that after investigation said immigration officer has ascertained that said passenger had already been lawfully admitted to the United States and that the head tax for his admission had been paid at the time of such admission, and said company or other transportation agency shall also show, as evidence that the transit of such passenger was continuous, the dated ticket issued to such passenger.

RULE 5. The head tax provided for in section 1 of the act approved March 3, 1903, shall be collected and paid for every alien passenger not specifically excepted therein.

RULE 6. The provisions of the immigration laws, and of regulations passed thereunder, except those of section 1 of the act of March 3, 1903, in relation to the payment of the head tax, extend to all persons not citizens of the United States either by birth or by naturalization therein.

RULE 7. Every alien arriving at a port of the United States shall be promptly examined, as by law provided, either on shipboard or at some other place designated for that purpose. If found admissible, he shall be at once landed, but if upon special inquiry he is denied admission, he shall be informed that he has a right of appeal therefrom, and the fact that he has been so informed shall be entered of record in the minutes of the board's proceedings. but no appeal will be considered after any such alien has, in consequence of an adverse decision of a board of special inquiry, been transferred from an immigrant station to be deported.

RULE 8. Every alien detained for special inquiry, which shall be conducted separate and apart from the public, shall have a speedy hearing and, upon the conclusion thereof, be either at once landed or ordered deported. If he elects to appeal from said order of deportation, he must, to enable officers to comply with the provisions of section 19 of the act of March 3, 1903, file notice of such appeal promptly, and a like right of appeal may be exercised by any member of a board of special inquiry who dissents from the decision rendered by such board.

RULE 9. Every such notice of appeal shall act as a stay upon the disposal of the alien whose rights are thereby affected until a final

decision is rendered by the Department; and, within thirty-six hours after the filing of such notice, the record of the case, together with such briefs, affidavits, and statements as are to be considered in connection therewith, should be forwarded to the Commissioner-General of Immigration by the chief immigration officer at the port of arrival, accompanied by his views thereon in writing; but on such appeal of any case to the Department no evidence will be considered which has not already been passed upon in said case by a board of special inquiry. If additional time is granted to the friends or counsel of an appealing alien to prevent a miscarriage of justice, the said chief officer may require the deposit of a sum of money sufficient to defray the cost of maintaining appellant during the additional time thus allowed.

RULE 10. The commissioner of immigration or the chief immigration officer at the port of landing shall enter of record the name of every alien found upon examination to be within any of the prohibited classes, with a statement of the decision in each case; and if such decision be appealed from, immediately upon the receipt from the Department of its conclusions thereupon the alien shall be at once landed or deported in accordance with such conclusion. If a landing is refused on appeal, the master, agent, consignee, or owner of the vessel by which the said alien arrived shall be notified thereof by the commissioner or chief immigration officer, and that the said alien will be placed on the said vessel to be returned as aforesaid.

RULE 11. Attorneys and persons appearing in behalf of detained aliens shall not be permitted to charge a sum exceeding ten dollars ($10) in each case, unless the commissioner shall, in writing, allow an additional compensation, which fee shall be payable through the commissioner. Anyone charging an alien a fee prior to his detention, or charging or receiving from an alien or his relatives or friends a fee, gift, or compensation for his services in excess of above rates, or who shall deprive an alien of any part of his chattels or effects in lieu of, or as security for, said fee, shall not be permitted to practice at any immigrant station of the United States.

RULE 12. The expenses incurred for the keeping and maintenance of every alien temporarily removed from a vessel, as provided by law, shall be borne by the owner or owners of the vessel upon which he came until he is lawfully landed or delivered on board such vessel for deportation.

RULE 13. The master, agent, owner, or consignee of any vessel on which aliens are brought to the United States shall, at least twenty-four hours in advance thereof, notify the commissioner of immigration of the intended time of sailing of such vessel, in order that said officer may place on board thereof every alien brought thereon who has been refused a landing.

RULE 14. Every alien professing to seek a landing for the purpose

of proceeding directly through the United States to a foreign country shall be examined, and, if found to be a member of any one of the excluded classes, shall be refused permission to land in the same manner as though he intended to remain in the United States.

RULE 15. No alien desiring admission at a port of the United States for the professed purpose of proceeding directly therefrom to foreign territory shall be permitted to land thereat except after deposit with the collector of customs at said port by the master or owner of the vessel on which such alien is brought of the amount of the head tax ($2) prescribed by section 1 of the act approved March 3, 1903, said amount to be refunded upon proof satisfactory to the immigration officer in charge at the port of arrival that said alien has passed by direct and continuous journey through and out of the United States.

RULE 16. Every alien who left the port of embarkation in good physical condition, and who would be qualified to land but for some sickness or disability other than a loathsome or a dangerous contagious disease, which was contracted or which developed during the voyage, may either remain on shipboard or be removed for hospital treatment at the expense of the owners of the vessel on which he came, and while detained in hospital he shall not be considered as landed, provided that if the sickness or disability with which such alien is afflicted is so slight, in the judgment of the examining medical officer, as not to require treatment in hospital, and said alien is able to pay for the necessary medical care he needs, he shall be landed. Requests by such owners for reimbursement for hospital expenses may be made only in respect of aliens detained under the provisions of this rule, and then only in a proper manner.

RULE 17. Any alien who has been lawfully landed, but who has become a public charge from subsequently arising physical inability to earn a living which is likely to be of a permanent nature, may, with the approval of the Bureau of Immigration, be deported within one year from date of landing, at the expense of the immigrant fund, provided that such alien is delivered to the immigration officers at a designated port free of charge; and the charges incurred for the care and treatment of any such alien in any public or charitable institution from the date of notification to the Bureau of Immigration until the expiration of one year after landing may be paid from the immigrant fund at fixed rates agreed upon.

RULE 18. Any alien who has been finally determined to be admissible may be permitted to wait for friends or remittances upon payment by him of expenses incurred by reason of such delay. In case such an alien is unable, from accident or other unavoidable circumstances, to immediately continue his journey, and is without sufficient means to defray the expense of his enforced delay, the commissioner of immigration may, in his discretion, pay said expense, reporting

said case to the Bureau of Immigration with reasons for his action, and request that such expense be repaid out of the immigrant fund.

RULE 19. Not over one accompanying alien (preferably the natural guardian or a relative) shall be detained at the expense of the transportation company for the purpose of caring for an alien who, for any reason, is detained for further inquiry, if the latter requires such care. (See sec. 11, act approved March 3, 1903.)

RULE 20. No application for the admission under bond of a debarred alien will be considered except in cases in which deportation of the alien in whose behalf such application is made would involve the separation of immediate members of a family, and in that case only when a deposit of money is made sufficient to defray the expense of maintaining such alien whilst awaiting a decision upon such application.

RULE 21. The cost of returning aliens under the provisions of sections 19 and 20 of the act approved March 3, 1903, shall include all expenses incurred for maintenance of such aliens after such cases are brought to the attention of the Bureau of Immigration, provided said Bureau, upon investigation, has ascertained the case to be one for deportation and has so ordered.

RULE 22. Every immigration officer deporting any alien under the provisions of section 20 of the act of March 3, 1903, shall submit to the Bureau of Immigration for approval bills for one-half the cost of inland transportation of such alien to the seaport of deportation against the vessel or transportation line by which such alien was brought to the United States, in order that the amount so expended by any such officer may be collected and returned to him.

RULE 23. In case of the failure of the master or commanding officer of any vessel bringing aliens to any port within the United States to deliver to the immigration officers at said port lists or manifests of such aliens, as required in sections 12, 13, and 14 of the act approved March 3, 1903, there shall be paid to the collector of customs at the port of arrival the sum of $10 for each alien concerning whom the information required by such sections is not contained in any list or manifest as aforesaid. Under an opinion of the Solicitor of the Treasury, the fine mentioned in this rule can not be remitted.

RULE 24. The certificate required by section 8 of the act approved March 3, 1893, shall be filed with the Secretary of Commerce and Labor upon the first days of January and July of each year.

RULE 25. No charge for food, lodging, or maintenance, or for hospital attendance, medicines, or other hospital expenses shall be made in excess of the actual cost of furnishing the same, the intention being to make the Service self-sustaining without profit.

RULE 26. Every officer of the United States Public Health and Marine-Hospital Service detailed under section 17 of the act approved March 3, 1903, for duty to any point in the United States shall, during

the continuance of such detail, be under the direction (subject to the Public Health and Marine-Hospital Service regulations governing the medical inspection of aliens, as approved by the Secretary of the Treasury November 18, 1902) of the immigration officer in charge of the said port.

RULE 27. There shall be made by the commissioners of immigration at the various ports of the United States and Canada weekly reports to the Bureau of Immigration containing a list of all aliens detained from Sunday morning until Saturday night, inclusive, of each week, in which shall be embodied the following information: Name of alien; age and sex; date of arrival; vessel on which alien arrived; date of detention; cause of detention; whether case has been disposed of, and if so, what disposition has been made of it.

RULE 28. Officers employed in the administration of the immigration and Chinese-exclusion laws are notified that all communications to the Department upon official matters must be addressed to the Commissioner-General of Immigration or to the Secretary of Commerce and Labor.

F. P. SARGENT,
Commissioner-General of Immigration.

Approved:
GEO. B. CORTELYOU,
Secretary of Commerce and Labor.

EXAMINATION OF ALIEN SEAMEN UNDER THE PROVISIONS OF THE LAWS REGULATING IMMIGRATION.

1903.
DEPARTMENT CIRCULAR No. 10.
BUREAU OF IMMIGRATION.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, August 1, 1903.

To commissioners of immigration and other officers charged with the administration of the various laws pertaining to the immigration of aliens:

In view of the opinion of the Attorney-General of the United States, of date September 10, 1901 (23 Op., 521), you are hereby instructed that it is your duty to make such an investigation of every vessel arriving at a port of the United States from any other than a mainland or continental port thereof, as will enable you to ascertain the members of their respective crews who are aliens, as well as the intention of such alien members in seeking a landing.

(1) Alien seamen who seek to land, in the regular course of their pursuit, with the bona fide intention of departing as soon as practicable upon some outward-bound vessel, are not to be held for examination touching their right to land under the various acts regulating immi-

gration into the United States, nor shall the masters of the vessels upon which they come to a port of the United States be charged on their account with the head tax prescribed by section 1 of the act approved March 3, 1903.

(2) Alien seamen who are discharged, or are to be discharged, or who have deserted their vessel at a port of the United States with any other object in view than departing as described in the next preceding paragraph (1) are in no respect to be distinguished on account of their prior calling or occupation as seamen from other aliens seeking admission to this country, either as regards collection of head tax on their account or as respects the examination and determination of their right to remain under the various acts regulating immigration.

(3) All other aliens signed on the ship's articles of any vessel arriving at a port of the United States shall be examined, and in all respects regarded, as alien passengers, on account of whom the head tax should be collected and who should be admitted, or ordered returned to the countries whence they came, in accordance with the laws and regulations governing immigration.

GEO. B. CORTELYOU, *Secretary.*

VARIOUS ACTS OF CONGRESS RELATING TO IMMIGRATION.

Sections 3 and 5 of an act supplementary to the acts in relation to immigration, approved March 3, 1875, vol. 18, part 3, United States Statutes at Large, provide:

"SEC. 3. That the importation into the United States of women for the purpose of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and whoever shall knowingly and willfully import, or cause any importation of, women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any women to such purposes, in pursuance of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not exceeding five years and pay a fine not exceeding five thousand dollars."

"SEC. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration, and women 'imported for the purposes of prostitution.' Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden. When such inspection is required by the collector as aforesaid, it shall be unlawful, without his permission, for any alien to leave any such vessel arriving in the United States from a foreign country until the inspection shall have been had and the result certified as herein provided; and at no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigation is forbidden by this section be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law. If any person shall feel aggrieved by the certificate of such inspecting officer stating him or her to be within either of the classes whose immigration is forbidden by this section, and shall apply for release or other remedy to any proper court or judge, then it shall be the duty of the collector at said port of entry to detain said vessel until a hearing and determination of the matter are had, to the end that if the said inspector shall be found to be in accordance with this section, and sustained, the obnoxious person or persons shall be returned on board of said vessel, and shall not

thereafter be permitted to land, unless the master, owner, or consignee of the vessel shall give bond and security, to be approved by the court or judge hearing the cause, in the sum of five hundred dollars for each such person permitted to land, conditioned for the return of such person, within six months from the date thereof, to the country whence his or her emigration shall have taken place, or unless the vessel bringing such obnoxious person or persons shall be forfeited, in which event the proceeds of such forfeiture shall be paid over to the collector of the port of arrival, and applied by him, as far as necessary, to the return of such person or persons to his or her own country within the said period of six months. And for all violations of this act, the vessel, by the acts, omissions, or connivance of the owners, master, or other custodian, or the consignees of which the same are committed, shall be liable to forfeiture, and may be proceeded against as in cases of frauds against the revenue laws, for which forfeiture is prescribed by existing law."

Approved, March 3, 1875.

AN ACT to regulate immigration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a duty of fifty cents for each and every passenger not a citizen of the United States who shall come by steam or sail vessel from a foreign port to any port within the United States. The said duty shall be paid to the collector of customs of the port to which such passenger shall come, or if there be no collector at such port, then to the collector of customs nearest thereto, by the master, owner, agent, or consignee of every such vessel, within twenty-four hours after the entry thereof into such port. The money thus collected shall be paid into the United States Treasury and shall constitute a fund to be called the immigrant fund and shall be used, under the direction of the Secretary of the Treasury, to defray the expense of regulating immigration under this act and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect. The duty imposed by this section shall be a lien upon the vessels which shall bring such passengers into the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy: *Provided*, That no greater sum shall be expended for the purposes hereinbefore mentioned, at any port, than shall have been collected at such port.

SEC. 2. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act and with supervision over the business of immigration to the United States, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, and to provide for the support and relief of such immigrants therein landing as may fall into distress or need public aid, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the con-

dition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners, or officers or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel; and if on such examination there shall be found among such passengers any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge, they shall report the same in writing to the collector of such port, and such person shall not be permitted to land.

SEC. 3. That the Secretary of the Treasury shall establish such regulations and rules and issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated to protect the United States and immigrants into the United States from fraud and loss and for carrying out the provisions of this act and the immigration laws of the United States; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

SEC. 4. That all foreign convicts, except those convicted of political offenses, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State whose duty it shall be to execute the provisions of this section without compensation. The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the mode of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessel in which they came.

SEC. 5. That this act shall take effect immediately.

Approved August 3, 1882.

AN ACT to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes, approved June 26, 1884.

SEC. 22. That until the provisions of section one, chapter three hundred and seventy-six, of the laws of eighteen hundred and eighty-two, shall be made applicable to passengers coming into the United States by land carriage, said provisions shall not apply to passengers coming by vessels employed exclusively in the trade between the ports of the United States and the ports of the Dominion of Canada or the ports of Mexico.

ACT OF FEBRUARY 26, 1885.

ORIGINAL ACT.

AN ACT to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after

the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

SEC. 2. That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia, previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

SEC. 3. That for every violation of any of the provisions of section one of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the proceeds to be paid into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

SEC. 4. That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien laborer, mechanic, or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not more that five hundred dollars for each and every such alien laborer, mechanic, or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

SEC. 5. That nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigners temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person, or persons,

partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, artists, lecturers, or singers, nor to persons employed strictly as personal or domestic servants: *Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative or personal friend, to migrate from any foreign country to the United States, for the purpose of settlement here.

SEC. 6. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed.

Approved February 26, 1885 (23 Stat L., 332).

AMENDATORY ACT.

AN ACT to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, the Territories, and the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, approved February twenty-sixth, eighteen hundred and eighty-five, and to provide for the enforcement thereof, be amended by adding the following:

"SEC. 6. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners or officers or such other person or persons as they shall appoint shall be authorized to go on board of and through any such ship or vessel; and if in such examination there shall be found among such passengers any person included in the prohibition in this act, they shall report the same in writing to the collector of such port, and such person shall not be permitted to land.

"SEC. 7. That the Secretary of the Treasury shall establish such regulations and rules, and issue from time to time such instructions not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

"SEC. 8. That all persons included in the prohibition in this act, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury may

designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State, whose duty it shall be to execute the provisions of this section and shall be entitled to reasonable compensation therefor to be fixed by regulation prescribed by the Secretary of the Treasury. The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the time of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came. And any vessel refusing to pay such expenses shall not thereafter be permitted to land at or clear from any port of the United States. And such expenses shall be a lien on said vessel. That the necessary expense in the execution of this act for the present fiscal year shall be paid out of any money in the Treasury not otherwise appropriated.

"SEC. 9. That all acts and parts of acts inconsistent with this act are hereby repealed.

"SEC. 10. That this act shall take effect at the expiration of thirty days after its passage."

Approved, February 23, 1887 (24 Stat. L., 414).

AMENDMENT TO THE ALIEN CONTRACT-LABOR LAW CONTAINED IN THE DEFICIENCY BILL APPROVED OCTOBER 19, 1888 (25 STAT. L., 565).

That the act approved February twenty-third, eighteen hundred and eighty-seven, entitled "An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," be, and the same is hereby, so amended as to authorize the Secretary of the Treasury, in case that he shall be satisfied that an immigrant has been allowed to land contrary to the prohibition of that law, to cause such immigrant, within the period of one year after landing or entry, to be taken into custody and returned to the country from whence he came, at the expense of the owner of the importing vessel; or, if he entered from an adjoining country, at the expense of the person previously contracting for the services.

ACT OF MARCH 3, 1891.

AN ACT in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following classes of aliens shall be excluded from admission into the United States, in accordance with the existing acts regulating immigration, other than those concerning Chinese laborers: All idiots, insane per-

sons, paupers or persons likely to become a public charge, persons suffering from a loathsome or a dangerous contagious disease, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, polygamists, and also any person whose ticket or passage is paid for with the money of another or who is assisted by others to come, unless it is affirmatively and satisfactorily shown on special inquiry that such person does not belong to one of the foregoing excluded classes, or to the class of contract laborers excluded by the act of February twenty-sixth, eighteen hundred and eighty-five, but this section shall not be held to exclude persons living in the United States from sending for a relative or a friend who is not of the excluded classes under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That nothing in this act shall be construed to apply to or exclude persons convicted of a political offense, notwithstanding said political offense may be designated as a "felony, crime, infamous crime, or misdemeanor, involving moral turpitude" by the laws of the land whence he came or by the court convicting.

SEC. 2. That no suit or proceeding for violations of said act of February twenty-sixth, eighteen hundred and eighty-five, prohibiting the importation and migration of foreigners under contract or agreement to perform labor shall be settled, compromised, or discontinued without the consent of the court entered of record with reasons therefor.

SEC. 3. That it shall be deemed a violation of said act of February twenty-sixth, eighteen hundred and eighty-five, to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a contract as contemplated by such act; and the penalties by said act imposed shall be applicable in such a case: *Provided*, This section shall not apply to States and immigration bureaus of States advertising the inducements they offer for immigration to such States.

SEC. 4. That no steamship or transportation company or owners of vessels shall directly or through agents, either by writing, printing, or oral representations, solicit, invite, or encourage the immigration of any alien into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and the terms and facilities of transportation therein; and for a violation of this provision any such steamship or transportation company, and any such owners of vessels, and the agents by them employed, shall be subjected to the penalties imposed by the third section of said act of February twenty-sixth, eighteen hundred and eighty-five, for violations of the provisions of the first section of said act.

SEC. 5. That section five of said act of February twenty-sixth, eighteen hundred and eighty-five, shall be, and hereby is, amended by adding to the second proviso in said section the words "nor to ministers of any religious denomination, nor persons belonging to any recognized profession, nor professors for colleges and seminaries," and by excluding from the second proviso of said section the words "or any relative or personal friend."

SEC. 6. That any person who shall bring into or land in the United States by vessel or otherwise, or who shall aid to bring into or land in the United States by vessel or otherwise, any alien not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and

shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

SEC. 7. That the office of superintendent of immigration is hereby created and established, and the President, by and with the advice and consent of the Senate, is authorized and directed to appoint such officer, whose salary shall be four thousand dollars per annum, payable monthly. The superintendent of immigration shall be an officer in the Treasury Department, under the control and supervision of the Secretary of the Treasury, to whom he shall make annual reports in writing of the transactions of his office, together with such special reports, in writing, as the Secretary of the Treasury shall require. The Secretary shall provide the superintendent with a suitably furnished office in the city of Washington, and with such books of record and facilities for the discharge of the duties of his office as may be necessary. He shall have a chief clerk at a salary of two thousand dollars per annum, and two first-class clerks.

SEC. 8. That upon the arrival by water at any place within the United States of any alien immigrants it shall be the duty of the commanding officer and the agents of the steam or sailing vessel by which they came to report the name, nationality, last residence, and destination of every such alien, before any of them are landed, to the proper inspection officers, who shall thereupon go or send competent assistants on board such vessel and there inspect all such aliens, or the inspection officers may order a temporary removal of such aliens for examination at a designated time and place, and then and there detain them until a thorough inspection is made. But such a removal shall not be considered a landing during the pendency of such examination. The medical examination shall be made by surgeons of the Marine-Hospital Service. In cases where the services of a marine-hospital surgeon can not be obtained without causing unreasonable delay, the inspector may cause an alien to be examined by a civil surgeon and the Secretary of the Treasury shall fix the compensation for such examination. The inspection officers and their assistants shall have power to administer oaths, and to take and consider testimony touching the right of such aliens to enter the United States, all of which shall be entered of record. During such inspection after temporary removal the superintendent shall cause such aliens to be properly housed, fed, and cared for, and also, in his discretion, such as are delayed in proceeding to their destination after inspection. All decisions made by the inspection officers or their assistants touching the right of any alien to land, when adverse to such right, shall be final unless appeal be taken to the superintendent of immigration, whose action shall be subject to review by the Secretary of the Treasury. It shall be the duty of the aforesaid officers and agents of such vessel to adopt due precautions to prevent the landing of any alien immigrant at any place or time other than that designated by the inspection officers, and any such officer or agent or person in charge of such vessel who shall either knowingly or negligently land or permit to land any alien immigrant at any place or time other than that designated by the inspection officers, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

That the Secretary of the Treasury may prescribe rules for inspection along the borders of Canada, British Columbia, and Mexico. so as not to obstruct or unnecessarily delay, impede, or annoy passengers in ordinary travel between said countries: *Provided*, That not exceeding one inspector shall be appointed for each customs district, and whose salary shall not exceed twelve hundred dollars per year.

All duties imposed and powers conferred by the second section of the act of August third, eighteen hundred and eighty-two, upon State commissions, boards, or officers acting under contract with the Secretary of the Treasury shall be performed and exercised, as occasion may arise, by the inspection officers of the United States.

SEC. 9. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States where the various United States immigrant stations are located, the officials in charge of such stations as occasion may require shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 10. That all aliens who may unlawfully come into the United States shall, if practicable, be immediately sent back on the vessel by which they were brought in. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessel on which such aliens came; and if any master, agent, consignee, or owner of such vessel shall refuse to receive back on board the vessel such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the port from which they came, or to pay the cost of their maintenance while on land, such master, agent, consignee, or owner shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than three hundred dollars for each and every offense; and any such vessel shall not have clearance from any port of the United States while any such fine is unpaid.

SEC. 11. That any alien who shall come into the United States in violation of law may be returned as by law provided, at any time within one year thereafter, at the expense of the person or persons, vessel, transportation company, or corporation bringing such alien into the United States, and if that can not be done, then at the expense of the United States, and any alien who becomes a public charge within one year after his arrival in the United States from causes existing prior to his landing therein shall be deemed to have come in violation of law and shall be returned as aforesaid.

SEC. 12. That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing act or any acts hereby amended, but such prosecution or other proceedings, criminal or civil, shall proceed as if this act had not been passed.

SEC. 13. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act, and this act shall go into effect on the first day of April, eighteen hundred and ninety-one.

Approved March 3, 1891.

ACT OF MARCH 3, 1893.

AN ACT to facilitate the enforcement of the immigration and contract-labor laws of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to conforming to all present requirements of law, upon the arrival of any alien immigrants by water at any port within the United States, it shall be the duty of the master or commanding officer of the steamer or sailing vessel having said immigrants on board to deliver to the proper inspector of immigration at the port lists or manifests made at the time and place of embarkation of such alien immigrants on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each immigrant the full name, age, and sex, whether married or single; the calling or occupation; whether able to read or write; the nationality; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the seaport of landing; whether having a ticket through to such final destination; whether the immigrant has paid his own passage, or whether it has been paid by other persons or by any corporation, society, municipality, or government; whether in possession of money, and if so, whether upward of thirty dollars and how much if thirty dollars or less; whether going to join a relative, and if so, what relative and his name and address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or supported by charity; whether a polygamist; whether under contract, express or implied, to perform labor in the United States; and what is the immigrant's condition of health mentally and physically, and whether deformed or crippled, and if so, from what cause.

SEC. 2. That the immigrants shall be listed in convenient groups and no one list or manifest shall contain more than thirty names. To each immigrant or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list, and his number on the list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or of the officer first or second below him in command, taken before the United States consul or consular agent at the port of departure, before the sailing of said vessel, to the effect that he has made a personal examination of each and all of the passengers named therein, and that he has caused the surgeon of said vessel sailing therewith to make a physical examination of each of said passengers, and that from his personal inspection and the report of said surgeon he believes that no one of said passengers is an idiot or insane person, or a pauper or likely to become a public charge, or suffering from a loathsome or dangerous contagious disease, or a person who has been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or a polygamist, or under a contract or agreement, express or implied, to perform labor in the United States, and that also, according to the best of his knowledge and belief, the information in said list or manifest concerning each of said passengers named therein is correct and true.

SEC. 3. That the surgeon of said vessel sailing therewith shall also

sign each of said lists or manifests before the departure of said vessel, and make oath or affirmation in like manner before said consul or consular agent, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the passengers named therein and that said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said passengers. If no surgeon sails with any vessel bringing alien immigrants, the mental and physical examinations and the verifications of the lists or manifests may be made by some competent surgeon employed by the owners of the vessel.

SEC. 4. That in the case of the failure of said master or commanding officer of said vessel to deliver to the said inspector of immigration lists or manifests, verified as aforesaid, containing the information above required as to all alien immigrants on board, there shall be paid to the collector of customs at the port of arrival the sum of ten dollars for each immigrant qualified to enter the United States concerning whom the above information is not contained in any list as aforesaid, or said immigrants shall not be permitted so to enter the United States, but shall be returned like other excluded persons.

SEC. 5. That it shall be the duty of every inspector of arriving alien immigrants to detain for a special inquiry, under section one of the immigration act of March third, eighteen hundred and ninety-one, every person who may not appear to him to be clearly and beyond doubt entitled to admission, and all special inquiries shall be conducted by not less than four officials acting as inspectors, to be designated in writing by the Secretary of the Treasury or the superintendent of immigration, for conducting special inquiries; and no immigrant shall be admitted on special inquiry except after a favorable decision made by at least three of said inspectors; and any decision to admit shall be subject to appeal by any dissenting inspector to the superintendent of immigration, whose action shall be subject to review by the Secretary of the Treasury, as provided in section eight of said immigration act of March third, eighteen hundred and ninety-one.

SEC. 6. That section five of the act of March third, eighteen hundred and ninety-one, "in amendment of the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor," is hereby amended by striking out the words "second proviso" where they first occur in said section and inserting the words "first proviso" in their place; and section eight of said act is hereby so amended that the medical examinations of arriving immigrants to be made by surgeons of the Marine-Hospital Service may be made by any regular medical officers of such Marine-Hospital Service detailed therefor by the Secretary of the Treasury; and civil surgeons shall only be employed temporarily from time to time for specific emergencies.

SEC. 7. That no bond or guaranty, written or oral, that an alien immigrant shall not become a public charge shall be received from any person, company, corporation, charitable or benevolent society or association, unless authority to receive the same shall in each special case be given by the superintendent of immigration, with the written approval of the Secretary of the Treasury.

SEC. 8. That all steamship or transportation companies, and other owners of vessels, regularly engaged in transporting alien immigrants

to the United States, shall twice a year file a certificate with the Secretary of the Treasury that they have furnished to be kept conspicuously exposed to view in the office of each of their agents in foreign countries authorized to sell emigrant tickets, a copy of the law of March third, eighteen hundred and ninety-one, and of all subsequent laws of this country relative to immigration, printed in large letters, in the language of the country where the copy of the law is to be exposed to view, and that they have instructed their agents to call the attention thereto of persons contemplating emigration before selling tickets to them; and in case of the failure for sixty days of any such company or any such owners to file such a certificate, or in case they file a false certificate, they shall pay a fine of not exceeding five hundred dollars, to be recovered in the proper United States court, and said fine shall also be a lien upon any vessel of said company or owners found within the United States.

SEC. 9. That after the first day of January, eighteen hundred and ninety-three, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with the Ellis Island immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Secretary of the Treasury may prescribe.

SEC. 10. That this act shall not apply to Chinese persons; and shall take effect as to vessels departing from foreign ports for ports within the United States after sixty days from the passage of this act.

Approved, March 3, 1893.

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes.

Be it enacted, etc.,

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In every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or customs officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of the Treasury.

* * * * * * *

"The head money from alien passengers on and after the first day of October next, collected under the act of August third, eighteen hundred and eighty-two, to regulate immigration, shall be one dollar in lieu of the fifty cents as provided in said act. That such head money and all other receipts which shall be collected on and after July first, eighteen hundred and ninety-five, in connection with immigration shall be covered into the Treasury. * * *

"The commissioners of immigration at the several ports shall be appointed by the President, by and with the advice and consent of the Senate, to hold their offices for the term of four years, unless sooner removed, and until their successors are appointed; and nominations for such offices shall be made to the Senate by the President as soon as practicable after the passage of this act."

Approved, August 18, 1894.

AN ACT making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, approved March 2, 1895, under the head "Bureau of Immigration," provides:

That the Superintendent of Immigration shall hereafter be designated as Commissioner-General of Immigration, and, in addition to his other duties, shall have charge, under the Secretary of the Treasury, of the administration of the alien contract-labor laws, etc.

ACT OF JUNE 6, 1900.

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

Be it enacted, etc.,

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and hereafter the Commissioner-General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese-exclusion law and of the various acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of the Treasury.

Approved, June 6, 1900.

ACT OF MARCH 3, 1903.

AN ACT to regulate the immigration of aliens into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a duty of two dollars for each and every passenger not a citizen of the United States, or of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation, from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel or transportation line. The money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of the Treasury to defray the expense of regulating the immigration of aliens into the United States under this Act, including the cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed for the purpose of enforcing the provisions of this Act. The duty imposed by this section shall be a lien upon the vessel which shall bring such aliens to ports of the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the

payment of such duty may be enforced by any legal or equitable remedy; the head tax herein provided for shall not be levied upon aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, by agreement with transportation lines, as provided in section thirty-two of this Act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; those who have been, within one year from the date of the application for admission to the United States, deported as being under offers, solicitations, promises or agreements to perform labor or service of some kind therein; and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes: *Provided*, That nothing in this Act shall exclude persons convicted of an offense purely political, not involving moral turpitude: *And provided further*, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

SEC. 3. That the importation into the United States of any woman or girl for the purposes of prostitution is hereby forbidden; and whoever shall import or attempt to import any woman or girl into the United States for the purposes of prostitution, or shall hold or attempt to hold, any woman or girl for such purposes in pursuance of such illegal importation shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not less than one nor more than five years and pay a fine not exceeding five thousand dollars.

SEC. 4. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or

migration of any alien into the United States, in pursuance of any offer, solicitation, promise, or agreement, parole or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States.

SEC. 5. That for every violation of any of the provisions of section four of this Act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien to the United States to perform labor or service of any kind by reason of any offer, solicitation, promise, or agreement, express or implied, parole or special, to or with such alien shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

SEC. 6. That it shall be unlawful and be deemed a violation of section four of this Act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section two of this Act, and the penalties imposed by section five of this Act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels or others engaged in transporting aliens into the United States, shall, directly or through agents, either by writing, printing, or oral representations, solicit, invite, or encourage the immigration of any aliens into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company and any such owner or owners of vessels, and all others engaged in transporting aliens to the United States, and the agents by them employed, shall be subjected to the penalties imposed by section five of this Act.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector, or not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars for each and every alien so landed or attempted to be landed, or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment.

SEC. 9. That it shall be unlawful for any person, including any trans-

portation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien afflicted with a loathsome or with a dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of the Treasury that any alien so brought to the United States was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time, such person or transportation company or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers while any such fine imposed upon it remains unpaid, nor shall such fine be remitted.

SEC. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this Act.

SEC. 11. That upon the certificate of a medical officer of the United States Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel, having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage, or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend and his name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise or agreement, expressed or implied, to perform labor in the United States, and what is the alien's condition of health mental and physical, and whether deformed or crippled, and if so, for how long and from what cause.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or insane person, or a pauper, or is likely to become a public charge, or is suffering from a loathsome or a dangerous contagious disease, or is a person who has been convicted of a felony or other crime or misdemeanor involving moral turpitude, or a polygamist, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections twelve, thirteen, and fourteen of this Act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid.

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of aliens provided for in sections twelve, thirteen, and fourteen of this Act it shall be the duty of said officers to go or send competent assistants to the vessels to which said lists or manifests refer and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this Act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where

a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergencies for the said service, upon such terms as may be prescribed by the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury. The United States Public Health and Marine-Hospital Service shall be reimbursed by the Immigration Service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of the Treasury.

SEC. 18. That it shall be the duty of the owners, officers and agents of any vessel bringing an alien to the United States to adopt due precautions to prevent the landing of any such alien from such vessel at any time or place other than that designated by the immigration officers, and any such owner, officer, agent, or person in charge of such vessel who shall land or permit to land any alien at any time or place other than that designated by the immigration officers, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine for each alien so permitted to land of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment, and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported, as provided by law.

SEC. 19. That all aliens brought into this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessels shall refuse to receive back on board thereof, or of any other vessel owned by the same interest, such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may suspend, upon conditions to be pre-

scribed by the Commissioner-General, the deportation of any alien found to have come under promise or agreement of labor or service of any kind if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections four and five of this Act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section seventeen of this Act, to be suffering with a loathsome or with a dangerous contagious disease other than one of a quarantinable nature, shall be permitted to land for medical treatment thereof in the hospitals of the United States.

SEC. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported as hereinafter provided to the country whence he came at any time within two years after arrival at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that can not be done, then at the expense of the immigrant fund referred to in section one of this Act.

SEC. 21. That in case the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of this Act he shall cause such alien, within the period of three years after landing or entry therein, to be taken into custody and returned to the country whence he came, as provided in section twenty of this Act, or, if that can not be so done, at the expense of the immigrant fund provided for in section one of this Act; and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of the Treasury to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this section shall be punished by the imposition of the penalties prescribed in section nineteen of this Act.

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of the Treasury, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bonds, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this Act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contracts for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of the Treasury. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions

of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of the Treasury, whenever in his judgment such action may be necessary to accomplish the purposes of this Act, detail immigration officers for temporary service in foreign countries.

SEC. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of the Treasury.

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of the Treasury, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service Act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation Act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider testimony touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such testimony, and any person to whom such an oath has been administered under the provisions of this Act who shall knowingly or willfully give false testimony or swear to any false statement in any way affecting or in relation to the right of an alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the commissioners of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of aliens detained at such ports under the provisions of law. Such boards shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of the Treasury, upon recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep complete permanent records of their proceedings and of all such testimony as

may be produced before them; and the decision of any two members of a board shall prevail and be final, but either the alien or any dissenting member of said board may appeal, through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration, to the Secretary of the Treasury, whose decision shall then be final; and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision.

SEC. 26. That no bond or guaranty, written or oral, that an alien shall not become a public charge shall be received from any person, company, corporation, charitable or benevolent society or association unless authority to receive the same shall in each special case be given by the Commissioner-General of Immigration, with the written approval of the Secretary of the Treasury.

SEC. 27. That no suit or proceeding for a violation of the provisions of this Act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 28. That nothing contained in this Act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing Act or any Acts hereby amended, but such prosecutions or other proceedings, criminal or civil, shall proceed as if this Act had not been passed.

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this Act.

SEC. 30. That after the first day of January, nineteen hundred and three, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigration station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the United States Treasury to the credit of the immigrant fund provided for in section one of this Act.

SEC. 31. That for the preservation of the peace, and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with foreign transportation lines for the same purpose.

SEC. 33. That for the purposes of this Act the words "United States" as used in the title as well as in the various sections of this Act shall be construed to mean the United States and any waters, territory or other place now subject to the jurisdiction thereof.

SEC. 34. That no intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States.

SEC. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this Act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

SEC. 36. That all Acts and parts of Acts inconsistent with this Act are hereby repealed: *Provided*, That this Act shall not be construed to repeal, alter, or amend existing laws relating to the immigration, or exclusion of Chinese persons or persons of Chinese descent.

SEC. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his preliminary declaration to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife, or either of said children, shall be found to be affected with any contagious disorder, and if it is proved that said disorder was contracted on board the ship in which they came, and is so certified by the examining surgeon at the port of arrival, such wife or children shall be held, under such regulations as the Secretary of the Treasury shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe.

That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury, shall be fined not more than five thousand dollars, or imprisoned for not less than one nor more than five years, or both.

SEC. 39. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized

government, because of his or their official character, or who has violated any of the provisions of this Act, shall be naturalized or be made a citizen of the United States. All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than five thousand dollars, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not less than one nor more than ten years, or both.

The foregoing provisions concerning naturalization shall not be enforced until ninety days after the approval hereof.

Approved, March 3, 1903.

AN ACT to establish the Department of Commerce and Labor.

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SEC. 2. That there shall be in said Department an Assistant Secretary of Commerce and Labor, to be appointed by the President, who shall receive a salary of five thousand dollars a year. He shall perform such duties as shall be prescribed by the Secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such other clerical assistants as may from time to time be authorized by Congress; and the Auditor for the State and other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Commerce and Labor, and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, Steamboat-Inspection Service, Immigration, Navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Census, Department of Labor, Fish Commission and to all other business within the jurisdiction of the Department of Commerce and Labor, and certify the balances arising thereon to the Division of Bookkeeping and Warrants and send forthwith a copy of each certificate to the Secretary of Commerce and Labor.

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SEC. 4. That the following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as the Light-House Board, the Light-House Establishment, the Steamboat-Inspection Service, the Bureau of Navigation, the United States Shipping Commissioners, the National Bureau of Standards, the Coast and Geodetic Survey, the Commissioner-General of Immigration, the commissioners of immigration, the Bureau of Immigration, the immigration service at large, and the Bureau of Statistics, be, and the same hereby are, transferred from the Department of the Treasury to the Department of Commerce and Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named Department; * * * .

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SEC. 7. That the jurisdiction, supervision and control now possessed and exercised by the Department of the Treasury over the fur-seal, salmon and other fisheries of Alaska and over the immigration of aliens into the United States, its waters, territories and any place subject to the jurisdiction thereof, are hereby transferred and vested in the Department of Commerce and Labor: *Provided*, That nothing contained in this Act shall be construed to alter the method of collecting and accounting for the head-tax prescribed by section one of the Act entitled "An Act to regulate immigration," approved August third, eighteen hundred and eighty-two. That the authority, power and jurisdiction now possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States, its territories and the District of Columbia, of Chinese and persons of Chinese descent, are hereby transferred to and conferred upon the Secretary of Commerce and Labor, and the authority, power and jurisdiction in relation thereto now vested by law or treaty in the collectors of customs and the collectors of internal revenue, are hereby conferred upon and vested in such officers under the control of the Commissioner-General of Immigration, as the Secretary of Commerce and Labor may designate therefor.

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SEC. 13. That this Act shall take effect and be in force from and after its passage: *Provided, however*, That the provisions of this Act other than those of section twelve in relation to the transfer of any existing office, bureau, division, officer or other branch of the public service or authority now conferred thereon, to the Department of Commerce and Labor shall take effect and be in force on the first day of July, nineteen hundred and three, and not before.

Approved, February 14, 1903.

AN ACT granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service.

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SEC. 7. That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera, or other infectious or contagious diseases, in a foreign country there is serious dan-

ger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded, in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.

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Act approved February 15, 1893 (27 Stat. L., p. 449).

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